

REMARKS/ARGUMENTS

Claims 1-39 are pending in this application.

In the May 14, 2004 Office Action, the Examiner rejected claims 1-39 under 35 U.S.C. 102(e) as unpatentable over Walker (EP Patent 0 909 056 A2). The Applicant disagrees because Walker does not teach or suggest at least one limitation of independent claims 1, 11, 12, 21 and 30.

At ¶2, the Examiner cites Walker (at Fig. 1; page 2, lines 19-22; page 13, lines 50-58) as supposedly addressing the following limitation of claim 1:

if the attempt to communicate with a target device fails, determining if the target device has an active neighbor by attempting to communicate with said neighbor;

Fig. 1 of Walker shows a block diagram of an NNM5.01 network administrator display, and does not show “determining if the target device has an active neighbor by attempting to communicate with said neighbor.” Fig. 1, as a block diagram, merely shows structure and does not teach or suggest an attempt to communicate with any device. In particular, Fig. 1 does not teach or suggest an attempt to communicate with a neighbor of a target device.

Page 2, lines 19-22 of Walker describes, as background information, a network administrator observing a presentation of network health on a display. The network health display shows (i) which element is malfunctioning, (ii) which other network elements are impacted by the malfunction (i.e., which elements are inaccessible due to the malfunction), and (iii) which inaccessible elements are critical to organization productivity. Page 2, lines 19-22 of Walker, however, do not teach or suggest determining if a target device has an active neighbor by *attempting to communicate* with a neighbor of the target device. These lines do not teach or suggest communicating with any device; they merely describe a network health display.

Page 13, lines 50-58 of Walker describe a method of distinguishing between *broken* and *inaccessible* network elements. Those lines do not teach or suggest determining if a target device has an active neighbor by *attempting to communicate* with a neighbor of a target device. These lines do not teach or suggest the critical combination of attempting to communicate with a

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target device, then if the attempt to communicate with the target device fails, attempting to communicate with a neighbor of the target device. This combination is recited in claim 1, and is also included in the other independent claims 11, 12, 21 and 30. All of these independent claims should therefore be allowable.

We continue to believe that the pending claims are allowable and therefore ask the Examiner to reconsider and to allow them to issue.

A Petition and fee for a one-month extension of time are included herewith. No other fees are believed due in this matter. However, if any fees or credits accrue, including for further extensions of time, please charge or credit such fees to Deposit Account 08-0219.

Respectfully submitted,



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